

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Project Honey Pot, a dba of Unspam
Technologies, Inc., et al.,
Plaintiffs,

V.

Andrey Chernuk, et al.,
Defendants.

No. 1:11CV15 LMB/JFA

PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION TO VACATE
OCTOBER 26, 2011 ORDER RE: DEFAULT JUDGMENT

On October 26, 2011, this Court issued an Order instructing plaintiffs to prove up damages against the only two defendants that were, at the time, in default – Bank Standard and Boris Livshits. The Order instructed plaintiffs to move for default judgment, submit an accompanying memorandum, and to set the matter for a hearing for November 18, 2011.

In the days after that Order was issued, two events have transpired that cause Plaintiffs to now move this Court to vacate that Order. First, defaulting defendant Bank Standard has moved to vacate the entry of default, and its motion was granted this morning by the Court. Second, defaulting defendant Boris Livshits has contacted plaintiffs' counsel, and has expressed interest in cooperating. Plaintiffs counsel is currently debriefing with Mr. Livshits, and plans to issue third party discovery necessary to either confirm or follow up on information being provided by Mr. Livshits. Plaintiffs counsel also needs some additional time to conduct limited discovery into the nature and volume of activity attributable to Mr. Livshits in this case. This discovery could have a substantial effect on the damages prove up as to Mr. Livshits. Subject to the Court directing otherwise, plaintiffs' counsel will set a damages prove up hearing

in early 2012, once it has completed its debrief of Mr. Livshits and necessary third party discovery.

Dated: November 18, 2011

Respectfully submitted,

/s/

Jon L. Praed
VSB #40678
Attorney for Plaintiffs
Internet Law Group
4121 Wilson Boulevard, Suite 101
Arlington, Virginia 22203
Phone: (703) 243-8100 x223
Fax: (703) 522-1527
jon.praed@i-lawgroup.com

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Andrew Philip Sherrod
Hirschler Fleischer, PC
PO Box 500
Richmond, VA 23218-0500
asherrod@hf-law.com

John Alexander Trocki , III
Morrison & Foerster LLP (McLean)
1650 Tysons Blvd, Suite 400
McLean, VA 22102
jtrocki@mofo.com

Eric Joseph Rahn
Baker & McKenzie LLP
815 Connecticut Avenue, NW
Washington, D.C. 20006
eric.j.rahn@bakernet.com

And I hereby certify that I will mail the document by U.S. mail to the following non-filing users:

None

/s/

Jon L. Praed
VSB #40678
Attorney for Plaintiffs
Internet Law Group
4121 Wilson Boulevard, Suite 101
Arlington, Virginia 22203
Phone: (703) 243-8100 x223
Fax: (703) 522-1527
jon.praed@i-lawgroup.com